



#17/Recd
PATENT
11-15-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jeffrey S. Mailloux et al.
Serial No.: 08/984,562
Filed: December 3, 1997
Title: MEMORY DEVICE FOR BURST OR PIPELINED OPERATION WITH MODE SELECTION CIRCUITRY

Examiner: Hong Kim
Group Art Unit: 2751
Docket: 303.623US3

Commissioner for Patents
Washington, D.C. 20231

RESPONSE UNDER 37 CFR § 1.111

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REMARKS

Applicant has reviewed and considered the Office Action mailed on May 3, 2000, and the references cited therewith. No claim is amended, no claim is canceled, and no claim is added; as a result, claims 22-32, 59-61, and 63-65 are pending in this application.

§102 Rejection of the Claims

Claims 22-32, 59-61, and 63-65 were rejected under 35 USC § 102(b) as being anticipated by Manning (U.S. Patent No. 5,610,864). Applicant respectfully traverses.

The statutory language of section 102(b) provides that "[a] person shall be entitled to a patent unless ... the invention was patented ... more than one year prior to the date of the application for patent in the United States." The patent date of Manning is insufficient to support the rejection under section 102(b). Thus, the rejection is improper. Reconsideration of the rejection is respectfully requested.

The MPEP requires that "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See MPEP sec. 2131. The Office fails to show that Manning discusses the identical invention, which is claimed in applicant's application.

Claims 22-32 and 59

The Office has failed to produce a *prima facie* case of anticipation. For example, claims 22-32 and 59 recite "switching between a burst mode and a pipelined mode." Applicant cannot find and the Office has failed to show this recitation in Manning. The Office noted that Manning discusses a "pipelined architecture" at column 5, lines 43-50. And the Office indicated that Manning discusses "switching between burst EDO and standard EDO modes of operation" at